



ANGELINA COUNTY DEMOCRATIC PARTY

James C. "Jim" Wark, County Chair

2872 FM 326

Lufkin, Texas 75901-1825

936-824-2402 936-635-3584



5 August 2011

Office of General Counsel
Federal Election Commission
999 E. Street, N.W.
Washington, D.C. 20463


MUR # 6486

RECEIVED
FEDERAL ELECTION
COMMISSION
2011 AUG 10 PM 1:52
OFFICE OF GENERAL
COUNSEL

I have enclosed the front page of "The Lufkin Daily News" dated 4 August 2011, which clearly shows a billboard in opposition to President Obama. The billboard does not indicate who purchased or supports this political view of the President (Disclaimer, Public Communications). I believe that this billboard is a violation under the Federal Election Commission as it involves the President of the United States.

The billboard in the paper is located on the East side of Medford Drive/US 59/US 69 between Texas State Highway 103 East and State Farm to Market 325, in Lufkin, Texas. There is a second billboard located on the West side of US 59 South of Lufkin, between Lufkin, Texas and Diboll, Texas. Both billboards are carrying the same message.

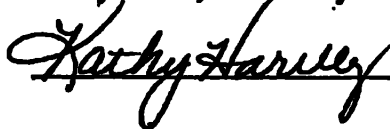
As the newspaper states, Mark Hicks owns both billboards and the individuals who purchased the space for six months wished to remain anonymous. The phone number for Mr. Hicks is 936-634-2040.

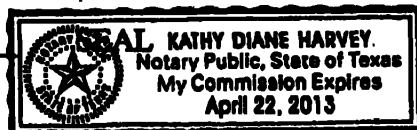

James C. "Jim" Wark
2872 FM 326
Lufkin, Texas 75901-1825

I swear, or affirm, under penalty of perjury, that the information contained and pictures are true and correct:

 (Complainant)

Sworn to and subscribed before me, by the said James C. Wark, this the 5 day of August, 2011 to certify which, witness my hand and seal of office.





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THURSDAY

THE LUFKIN DAILY NEWS

lufkindailynews.com

August 4, 2011

Serving the Texas Forest Country for more than 100 years

75c

On the contrary, Lufkin leaders say city is a great place to live

By STEVE KINGS
Staff writer

In light of a Fort Worth newspaper's endorsement labeling Lufkin as "the worst of America," Mayor Jack Gordon stood up for his city Wednesday. In Monday's edition of the Fort Worth *Star-Telegram*, an editorial called Lufkin "the worst of America" after a Lufkin man originally from Minnesota was convicted and sentenced to 30 days in jail in July for robbing a store in his home during a 2009 incident in which police mistook him for a burglar. Gordon said it was unfortunate that because of an isolated incident, some people outside of the



GORDON WILLIAMS HICKS

community have come down on the city without understanding what was going on.

"The police chief in this department has enough public confidence as any community in Texas based on their professionalism, training and their involvement in the community. In the last 10 years, the Lufkin Police Department has built themselves into a high-integrity unit," Gordon said. "We have this whole thing of things other people are saying that Lufkin is a great place to live. Outdoor Life Magazine picked Lufkin as one of the top 100 places in the country to live. People outside of Lufkin have chosen this community as being a good place to live, work, move a business and raise a family." Gordon also said Lufkin is the No. 1 metropolitan community in Texas with a population that has approached 400,000 in the metro-

region, leading to job, retail sales and health care services. Jerry Williams, president of the Lufkin/Angelina County Chamber of Commerce, said Lufkin is a generous and giving community. "This is an incredible, outstanding community. That's an incredible ability of this community to do what they say they are going to do," Williams said. "I've seen them so many times decide they want to do a project whether it's the County Republican Center of the Elmer Frost and or whatever, and within a matter of months, the money is raised and the project takes off. That's what this community is all about." Please see L10702, Page 2A

Anti-Obama billboards may violate ad guidelines

Owner of signs said people who paid for it wish to remain anonymous

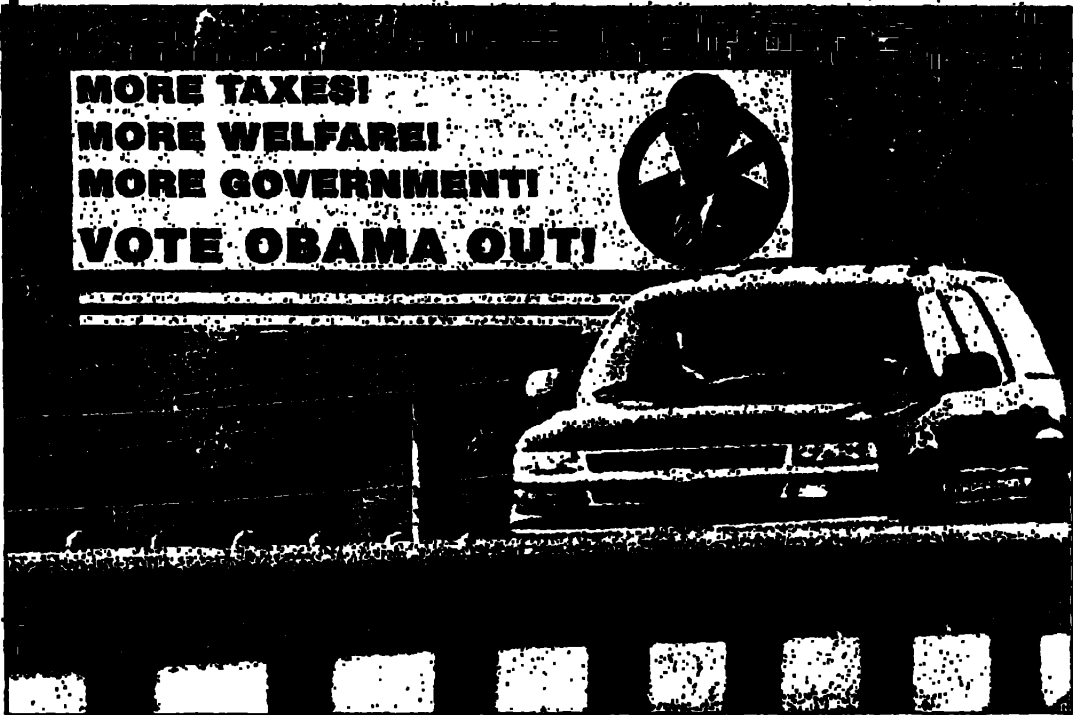
By AUDREY SPENCER
Staff writer

A couple of anti-Obama billboards in Lufkin may be in violation of Texas Ethics Commission political advertising guidelines.

The messages on the billboards, located on east Loop 297 and on U.S. Highway 69 north, read "More Taxes! More Welfare! More Government! VOTE OBAMA OUT!" and is accompanied by a photo of President Barack Obama in a red dress with a slash through it.

According to the Texas Ethics Commission, any advertising that appears as political advocacy requires a disclosure statement that should include the words "political advertising" or a recognizable abbreviation such as "pol. adv." along with the full name of one of the persons who paid for the political advertising, the political committee authorizing the political advertising, or the candidate or specific-purpose committee supporting the candidate, if the political advertising is authorized by the candidate.

Political advertising as defined by the TEC, includes communications supporting or opposing a candidate for nomination or election to either a public office or an office of a political party, or communications supporting or opposing an



This billboard on Lufkin east loop may violate Texas Ethics Commission regulations on political advertising by not having a disclaimer.

communications supporting or opposing an official, a political party or a measure. In order to be considered a political advertisement, it must also appear on one of the media listed by the TEC regulations, which includes billboards. Mark Hicks, the owner of the Lufkin billboards on which the anti-Obama ads are placed, said individuals paid for the billboards but wished to remain anonymous. "They weren't working for a political candidate," Hicks said.

The boards went up around July 1, according to Hicks, and the individuals paid for them to remain for six months. Bob Flanagan, chair of the Angelina County Republican Party and Lufkin's former city attorney, questions whether the billboard is even really a political ad. "I'm not offended that whoever said it doesn't have their name on it," he said. "I don't know that the disclaimer was necessary." Jim Wick, chair of the Angelina

County Democratic Party, said that because the billboard references Obama, the president, it should be subject to Federal Election Commission guidelines. "Since it's the president, it doesn't fall under Texas guidelines, it falls under federal guidelines," Wick said. "It should fall under the Federal Election Commission, who definitely states it needs a disclaimer on it." Tim Rowlett, media relations person with the TEC, said that should a complaint be filed against the billboards, the

person responsible for placing the advertisements could be fined up to \$4,000. "Up to an eight-member commission with the TEC would have to decide if the boards were political advertising," Rowlett said. "A disclosure statement must say, 'Political advertising by ...' followed by whoever paid for it." More information about political advertising can be found at ethics.state.tx.us/pubs/TEC/policy.pdf or tecgov.org. Audrey Spencer's email address is aspencer@lufkindailynews.com.

Back-to-school events on tap for this weekend

Junior League giving away backpacks with school supplies

By AUDREY SPENCER
Staff writer

who qualify as well, according to the Junior League's website. While it has given school supply donations in the past, this year the Junior League teamed up with community partners, such as Buckner Children and Family Services, Angelina Pediatric, The Children's Clinic and area dentists, to reach more needy families and make this year the biggest event yet, according to Hicks. "Families must qualify in

Event to offer school supplies, bounce house, rap battles

By AUDREY SPENCER
Staff writer

A Lufkin native, now a rap artist with 715 Music Group, is sponsoring a Back to School Extravaganza Friday at Home-

Depot recently moved from Dallas to Houston, where his music career started "taking off," according to Hicks. "He always wanted to give back." School supplies were purchased with donations from



Anti-Obama billboards may violate ad guidelines

By AUDREY SPENCER/The Lufkin Daily News | Posted: Thursday, August 4, 2011 1:45 am

Editor's note: An earlier version of this story, which ran in today's newspaper, indicated that the billboards in question might be in violation of state laws, when in fact they are subject to federal laws.

A couple of anti-Obama billboards in Lufkin may be in violation of Federal Election Commission political advertising guidelines.

The message on the billboards, located on east Loop 287 and on U.S. Highway 59 north, reads "More taxes! More welfare! More government! Vote Obama out!" and is accompanied by a photo of President Barack Obama in a red circle with a slash through it.

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"Since it's the president, it doesn't fall under Texas guidelines, it falls under federal guidelines," Wark said. "It should fall under the Federal Election Commission, who definitely states it needs a disclaimer on it."

Mary Braendenberger, Public Affairs Specialist with the FEC, stated in an email that, "A disclaimer must appear on any public communication by any person that expressly advocates the election or defeat of a clearly identified candidate or solicits funds in connection with a federal election."

FEC guidelines state that "All public communications... by any person that expressly advocate the election or defeat of a clearly identified candidate" must include a disclaimer, which "If the

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communication, including any solicitation, is not authorized by a candidate, authorized committee of a candidate, or an agent of either of the foregoing, the disclaimer must clearly state the full name and permanent street address, telephone number or World Wide Web address of the person who paid for the communication, and that the communication is not authorized by any candidate or candidate's committee.

The FEC Code of Federal Regulations can be read at edocket.access.gpo.gov/cfr_2011/janqtr/11cfr110.11.htm. More information about federal political advertising can be found at fec.gov.

Andray Spencer's email address is aspencer@hufkindailynews.com.

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This billboard is located on the
West side of US 59 South of
Lufkin, Texas between
Lufkin, Texas and Diboll, Texas

MORE TAXES!
MORE WELFARE!
MORE GOVERNMENT!
VOTE OBAMA OUT!

